



Department  
for Education

# Fair Access Protocols: Case Studies

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# Introduction

Every local area is required to operate a Fair Access Protocol that can quickly secure a school place for those children who find themselves without a place outside the normal admissions round. How that Protocol operates, the area it covers and how decisions are reached about where best to place a child is all a matter for local determination.

Based on a series of interviews with local authorities these case studies highlight key success factors for Fair Access Protocols. This is not an exhaustive list nor is it intended that every aspect lends itself to all – that is a matter for local determination having regard to the local context.

The following key success factors for Fair Access Protocols are highlighted by the cases studies:

- the Fair Access Protocol is kept simple and regularly reviewed;
- Protocols are led and owned by heads and principals - the Fair Access Protocol works when all schools are signed up to it;
- Protocols are seen as fair and transparent - trust, consistency, openness and honesty are essential;
- good relationships with all heads - admissions teams and exclusions officers are known and respected by the heads;
- all schools know the Admissions Code and the Fair Access Protocol applies to them;
- regular, carefully timed panel meetings, attended by those with decision making responsibility;
- in-depth information is needed from the child's previous school;
- the availability of alternative provision, support and funding; and
- Fair Access Protocols work when schools recognise they have wider responsibilities to their community.

## Darlington

There are seven secondary schools in Darlington, each one is an Academy.

All the secondary schools in Darlington are supportive of the Fair Access Protocol – last year not a single pupil placed through the Protocol was refused entry by a school.

But the protocol hasn't always been so successful. The original protocol did not have the buy-in of the schools and this stopped it operating effectively.

The Fair Access Protocol for secondary schools was revisited and revised following a Behaviour and Attendance Conference in autumn 2010. The heads took the lead in reviewing the protocol.

The Fair Access Panel now meets once a fortnight and is attended by the deputies of all seven secondary schools in the authority. Each case is considered on a points based system, with a full discussion taking place over the needs of the child.

Melanie Stainthorpe, Schools Admissions & Transport Team Leader at Darlington Borough Council says:

*“The meetings are time consuming and take an afternoon, but they are effective as they ensure full discussion and enable agreement to be reached.*

*The principle of the Fair Access Protocol is that no school should have to take more than a fair share of challenging pupils. Before our new protocol was introduced, some schools were under the impression that they were always the ones asked to accept challenging pupils. The process is now more transparent and is supported by all the heads in our secondary schools.”*

Pat Howarth, head teacher at Hummersknott Academy, Darlington, says:

*“The most important principle of our Fair Access Protocol is that we are all working together for all the children in Darlington, not just those in our schools. It is essential that this commitment is gained from heads and also from governing bodies.”*

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## Derby

No child in Derby placed through the Fair Access Protocol was refused admission by a school last year. Since the first introduction of their Fair Access Protocol in 2007, Derby has undertaken a comprehensive review of the managed move process and the hard to place process. All primary and secondary schools were involved in the review.

To be part of the excellence partnership of secondary heads in Derby, all schools have to be signed up to the Fair Access Protocol. Members of the schools' Senior Management Teams used to attend panel meetings. However under the new Fair Access Agreement, heads now form part of the Panel and attend scheduled meetings each half term.

The Fair Access Panel oversees the decisions of the Secondary School Placement Panel. The placement panel meets every three weeks and is chaired by heads on a rotation basis.

The first principle for all cases being considered under the new protocol is the needs of the child. In comparison the old Fair Access Protocol operated on a carousel system – once a school had taken two challenging pupils, they didn't have to take any more until all the other schools had taken two.

Diane Whitehead, Admission Manager says;

*“One of the biggest challenges in developing the revised Fair Access Protocol was the definition of what presents challenge when allocating places under Fair Access. We have developed a principle relating to the circumstances of the individual school based on the Ofsted framework e.g. if the school is required to improve behaviour and attendance, a child with behaviour and attendance issues could be seen as challenging for that school. Any protection afforded by the Fair Access Panel to a school is reviewed by the Panel at each meeting.*

*Before cases are put to the secondary placement panel for a Managed Move or Hard to Place, the parent/carers are contacted either by the current school and/or a Specialist Education Welfare Officer who provides them with information on the benefits and limitations of the process. Crucially they are able to put their own views and preferences forward and must agree to the referral being made. Comprehensive information is then gathered on the child in advance to determine the most appropriate educational provision. If in the first six weeks of a placement, difficulties arise, the child can be reconsidered by the panel. This approach helps us maintain trust – the key to the success of the protocol.”*

Jo Ward, Derby Secondary Head says:

*“Derby City secondary schools have found great strength over the last few years in working together with each other and the local authority for the good of all of the children in Derby.*

*One of the effective ways we do this is through the In Year Fair Access arrangements which ensure that children’s individual needs are met whilst no single school is required to support disproportionate numbers of children with a particular need. The Language Centre is an excellent example of this – students new to Derby with little or no English, with parental agreement are first supported by a short course in the Language Centre before they are allocated to an appropriate secondary school in a fair and transparent way.”*

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## Dudley

Dudley is a small borough divided into five townships. There are three to four secondary schools in each location. The heads of these schools run the panel in each location. There is also a borough wide panel.

Dudley's First Fair Access Protocol was agreed in 2009. It was subsequently reviewed in 2011 and the new Protocol came into force on the 1<sup>st</sup> October 2012. The review involved feedback from the chairs of all the panels.

The admissions team in the authority review each case to determine whether it is a Fair Access case according to the criteria established in the Protocol.

As part of the review of the Protocol, it was agreed that parental preference would be the starting point for all decisions. The paperwork is therefore sent to the locality of the first preference. If the locality panel cannot make a decision, it then goes to the borough meeting.

The meetings are monthly with location and panel meetings staggered fortnightly so a case can be moved to a borough meeting quickly. There has never been a case on which the borough has not been able to make a decision.

If a school refuses to accept a child, the case is returned to the borough panel and the five heads vote on it and advise the school accordingly. If the school does not respond, the panel move straight to a direction letter.

Huw Powell, Education Improvement Adviser at Dudley says:

*"The decisions are made by the heads. The local authority can advise and facilitate but has no voting rights. That's what makes it work. Heads take ownership. They also disseminate the decisions which helps reinforce that they are made by the heads and not the authority."*

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## Durham

The Fair Access Protocol was set up following a review with all schools. Previously they had a number of different protocols covering in year admissions, pupils with challenging behaviour, managed moves etc. that come together to form the Fair Access Protocol.

The Protocol is reviewed annually by the primary and secondary association group.

When a school place needs to be found for a child, the authority gathers all the information from the previous school. The local authority identifies the most appropriate school and shares the information with that school. A head teacher local agreement meeting is then held.

All pupils must be on the roll of a school or Pupil Referral Unit to access support and the authority endeavours to meet parental preference where possible.

There is no fair access panel but there is a permanently excluded weekly panel that identifies schools for the permanently excluded.

Where pupils move in from another school, they gather the information through an in-year application form. Each case is looked at on its own merit.

The authority would wait until they had no alternative before requesting a direction as they believe solutions are best found locally.

David Wall - Pupil Casework Officer in Durham says:

*"In Durham, all schools are part of a "family of schools" and work together. The protocol works because the need for it came from the heads. They requested it."*

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Essex places around 250 displaced and challenging pupils each year via its Fair Access Protocol. The Protocol was amended in April 2012, following consultation.

The area panels meet every half term with representatives from each school. The Education Welfare Service, Children's Support (Alternative Education) and Special Needs services are represented.

Papers are issued a week in advance and agreement is usually reached through discussion and negotiation. In some circumstances, schools agree to accept a child outside of the formal meeting.

Bev Rossi, Fair Access Officer, says:

*"Our Fair Access Protocol works because it is simple and focuses on key points and expectations. All the schools participate and acknowledge their responsibilities to engage in considering cases so that the protocol is seen as fair and transparent."*

*"As well as the collaboration of schools, our key success factors include the consideration of appropriate alternative provision and support – some panels engage brokers who work with families and schools to provide bespoke tailored provision to enable a child to be taught at a school. This may be provision within a specific school or a package of support across schools."*

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## Merton

The Fair Access Protocol has been agreed by all secondary schools in Merton. A cumulative record is maintained of pupils admitted through the protocol and who still attend the school. At the end of 2011/12 there were 34 children in schools placed through the Protocol, 13 in the boroughs two Academies. By operating in this way, rather than an annual list, the pupils can be tracked to the end of year 11 and beyond, and outcomes can be looked at to test the effectiveness of the protocol.

The Protocol was developed together with schools, and is reviewed every year. It is managed by the Behaviour and Attendance Partnership, chaired by heads. Until this year, it was chaired by the head of an Academy and is now chaired by the head of the Catholic Boys School.

Meetings are held monthly. Decisions are reached through collective agreement rather than placement via a rota system. The schools have agreed that money should continue to follow the pupil - money is taken from the excluding school and given back to those that take the child under the Protocol.

Like many London boroughs, Merton has a lot of cross border movement. To ensure placements are identified quickly for children, they have agreed a cross border protocol with one of their neighbouring boroughs. Under this agreement, a child meeting the criteria for consideration under the Protocol of the maintaining authority will be passed back to the home authority to consider it under their Protocol.

Peter Gasparelli, Head of Admissions for Merton and Sutton says:

*"Our Protocol is not led by the authority - it is the panel's Protocol. Schools work together to agree placements, taking into account parental preference; the authority is rarely involved in that decision process. Decisions are guided by parental preference where possible as schools feel this is more likely to make a placement work. However, the key to our protocol working is its simplicity, enabling equity between schools, full participation and an honest exchange of information."*

*"A good working relationship between the local authority and schools, and trust between heads is essential - there is a collective responsibility for the young people involved, so we have to work together. It is essential that there is a Protocol that all schools take part in that enables equitable solutions."*

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## Salford

The Fair Access Protocol was introduced in December 2010 and has been revised since this date following the new Admissions Code.

The heads wrote and agreed the protocol between them, commissioning Manchester Challenge to support them.

Every child that moves in to the area who fails to secure a place goes to a Fair Access Panel. Secondary panel meetings are held every twenty school days and attended by all heads.

Decisions are reached easily – it is an amicable process. The key considerations are: proximity to home, parental preference and the number of fair access cases taken by schools.

Nikki Anderson, Inclusion Officer, says:

*“It is the relationship with all our heads that has made our protocol a success – it takes time to understand the circumstances of the schools and the personalities of the heads. This investment of time has led to the success of our protocol.”*

Drew Povey, head teacher of Harrop Fold Specialist Arts College, says:

*“The protocols have made a big difference in Salford schools. The strategy, lead excellently by the local authority and head teacher representatives ensures that young people are given the best opportunities to succeed in education in Salford”*

Heather Aaron, headteacher, Wentworth High School says:

*“The protocol has benefited all stakeholders and strengthened the working relationships between the Salford head teachers. The transparency of the process has resulted in absolute trust between the schools and has led to an equitable system whereby difficult children are shared between schools. In addition, the strong relationships between heads mean that many of us also have respite systems in place which reduces the need for fixed term exclusions.”*

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## Stoke

The Fair Access Protocol was revised in autumn 2011 by a representative working group of primary and secondary schools. All schools were consulted.

All schools are approached in writing and decisions are reached based on the responses from the schools.

The Children Missing Education Panel plays the role of the Fair Access Panel.

The membership is set out in the protocol. It is attended by at least three to four heads on a rolling basis.

The authority makes the final decision not the panel but the Children Missing Education Panel has a key influence in the decision.

Paul Gerrard, Strategic Manager - School Support Children & Young People's Services in Stoke-on-Trent, says:

*"Time and a sense of urgency is the key to success. One of the biggest delays is in making sure the appropriate quality of information is available for a successful reintegration into a mainstream school. We ask for a response in seven days but if we don't get it, the panel takes a view on the basis of the information we have got."*

Karen Healey, Head teacher, Birches Head High School, says:

*"Using the Fair Access protocol has helped us to categorise the wide range of needs of hard-to-place pupils and the levels of support needed for them in their new school. Although the system can still be slow for some pupils, the process does seem to generate more definite outcomes than had previously been the case."*

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## West Sussex

The Fair Access Protocol has been agreed by all secondary schools.

Last year, 342 secondary pupils were placed through the Fair Access Protocol. Not a single child was refused admission and the authority did not need to pursue any directions.

They have four secondary panels that meet monthly and are attended by the head teachers (or deputies). They have 100% engagement if not attendance.

The panels are also attended by the access and inclusion team; alternative providers; and the local FE College.

Heads will look at paper work and have a discussion focusing initially on the parent's first preference. Agreement is reached through discussion and negotiation. Once a decision is made, it is expected that the child is admitted within two weeks.

The panels are held monthly. They have tried other ways of running the panels, for example they ran virtual panels to supplement the monthly panels.

Sue Garner, Pupil Admissions Manager at West Sussex says:

*"A good relationship between the authority and heads is essential for protocols to operate effectively. The timing of our process can mean placements take a bit of time – panels are only monthly. But when a placement is made, it tends to work. This is because we have good relationships with our schools and everyone is determined to make it work. All our schools know the Admissions Code and Fair Access Protocol is applicable to them."*

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